



Docket No. JAB-1669  
Express Mail Label No. EL 710 606 30,1 US

#11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Raymond Antoine Stokbroekx, et al.  
Serial No. : 09/998,975  
Filed : October 19, 2001  
Title : Angiogenesis Inhibiting 5-Substituted-1,2,4-Thiadiazolyl Derivatives  
Art Unit : 1624  
Examiner : Truong, Tamthorn Ngo

Attn: Office of Patent Legal Administration  
Mail Stop: Petitions (Filing Date)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

AUG 18 2003

**OFFICE OF PETITIONS**

**PETITION TO ACCORD CORRECT FILING DATE**  
**37 C.F.R. 1.10**

Dear Sir:

Applicants hereby petition the Commissioner to accord the above-captioned application a filing date as of the date the application (a true copy of which is attached as **Exhibit A-1**) was deposited with the United States Postal Service, the date being October 19, 2001.

- (1) This petition is being filed promptly after Applicant's attorney, the undersigned, became aware that the U.S. Patent Office had accorded a filing date other than the United States Postal Service deposit date to the above-captioned application;
- (2) The number of the "Express Mail" mailing label was placed on the Express Mail Certificate which listed the enclosed documents that constituted the correspondence prior to the original mailing by "Express Mail" (see Affidavit of Steven Berman, **Exhibit A**);
- (3) The Petition includes a true copy of the "Express Mail" mailing label as prepared and brought to the U.S. Post Office in Milltown, NJ (see Affidavit of Diane Hetzler, **Exhibit B**);
- (4) The correspondence attached as Exhibit A was deposited with the U.S. Post Office in Milltown, NJ at 4:24 p.m. on October 19, 2001 (see Affidavit of Diane Hetzler, **Exhibit**

B), which was prior to the official closing date of the post office (see Affidavit of Steve Chupa, **Exhibit C**);

(5) This Petition is further supported by a true copy of official notation by the U.S. Postal Service establishing the date and time of deposit of the correspondence attached as Exhibit A, and establishing that the correspondence attached as Exhibit A was deposited with the U.S. Post Office in Milltown, NJ prior to the official closing date of that post office (see Affidavit of Steve Chupa, **Exhibit C**).

(6) The post-marked "Express Mail" mailing label number EL710839120US reflecting receipt of the package by the U.S. Post Office in Milltown, NJ on October 19, 2001, could not be located by the undersigned, or the Office of the General Counsel, Johnson & Johnson.

**Also filed herewith are (1) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(B); and (2) REPLY; PETITION FOR EXTENSION OF TIME & AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT THEREFOR, both filed in U.S. Application for Patent Serial No. 09/998,975, to which the above-captioned application claims priority as a continuation thereof, copies of which are attached hereto as Exhibit D.**

No fee is believed due with this Petition. However, the Commissioner is hereby authorized to charge any fees dues to Deposit Account No. 10-0750/JAB-1669/AGK. This form is submitted in triplicate.

Should there be any questions regarding this Petition, please contact the undersigned attorney at the telephone number listed.

Respectfully submitted,

By: Alana Kriegsman  
Alana G. Kriegsman, Reg. No. 41, 747  
Attorney for Applicants

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Dated: June 18, 2003

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